

PTO/SB/30 (04-05)

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# Request for Continued Examination (RCE) Transmittal

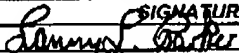
Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

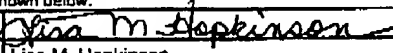
Application Number	09/931,960
Filing Date	8/16/2001
First Named Inventor	Duncan M. Kitchin
Art Unit	2154
Examiner Name	Ashokkumar B. Patel
Attorney Docket Number	42380P10675

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☐ Enclosed
    - ☐ Amendment/Reply
    - ☐ Affidavit(s)/ Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☐ Other \_\_\_\_\_
- Miscellaneous**
  - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0221. I have enclosed a duplicate copy of this sheet.
  - ☒ RCE fee required under 37 CFR 1.17(e)
  - ☒ Extension of time fee (37 CFR 1.136 and 1.17)
  - ☐ Other \_\_\_\_\_
  - ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	February 3, 2006
Name (Print/Type)	LANNY L. PARKER	Registration No.	44,281

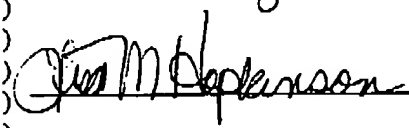
CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
Signature	
Name (Print/Type)	Lisa M. Hopkinson
Date	February 3, 2006

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

U.S. Serial No. 09/931,960  
Attorney Docket No. 42390P10675

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	: Kitchen	) I hereby certify that this paper (and/or
U.S. Serial No.	: 09/931,960	) fee) is being deposited with the United
Filed	: August 16, 2001	) States Patent and Trademark Office via
Title	: Multiple Link Layer	) facsimile to phone number (571) 273-
	Wireless Access Point	) 3580 on this date:
		)
		)
		) Dated: <u>February 3, 2006</u>
		)
Art Unit	: 2154	) 
Examiner	: Ashokkumar B. Patel	)

**RESPONSE TO THE NOTICE OF IMPROPER REQUEST FOR CONTINUED  
EXAMINATION (RCE) AND PETITION FOR EXTENSION OF TIME**

Mail Stop: RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Notice of Improper Request for Continued Examination (RCE)  
dated January 18, 2006, please find enclosed:

- RCE Transmittal Form authorizing payment once again of the RCE fee  
required under 37 CFR 1.17(e) and any Extension of time fees required  
under 37 CFR 1.136 and 1.17.
- copy of the Notice of Improper Request for Continued Examination (RCE).

**U.S. Serial No. 09/931,960**  
**Attorney Docket No. 42390P10675**

Applicant's respectfully point out that our RCE was timely filed on November 2, 2005. The Notice states that our RCE was improper because our Deposit Account had insufficient funds. On November 2, 2005, authorization was provided to charge the RCE fee required under 37 CFR 1.17(e). Upon review of our Deposit Account Statement, there were sufficient funds during the month of November and December. The notice of Improper Request for Continued Examination (RCE) wasn't mailed out to us until January 18, 2006, this untimely notification is causing us to pay a three month extension of time fee. A Petition requesting a refund of the extension of time fee is forthcoming.

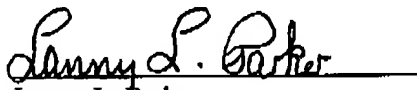
If it should be determined that additional fees are required to prevent this application from being abandoned, please charge any additional fees to Deposit Account No. 50-0221. A copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Respectfully submitted,

INTEL CORPORATION  
4500 South Dobson Road, OC2-157  
Chandler, Arizona 85248  
(480) 715-5388

February 3, 2006

\_\_\_\_\_  
Date

  
Lanny L. Parker  
Reg. No. 44,281  
Patent Agent

128

FXH Collette



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,960	08/16/2001	Duncan M. Kitchen	42390P10675	5428

8791 7590 01/18/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
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SEVENTH FLOOR  
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RECEIVED

JAN 20 2006

BLAKELY, SOKOLOFF TAYLOR & ZAFMAN LLP  
LOS ANGELES

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT

2154

PAPER NUMBER

ENTERED

JAN 25 2006

INTO DATABASE

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Date: 2/3/2006 Client: Intel Corporation

Docket Initials: 42390.P10675

Docket Supp. Initials: EHT (FXH)

Atty Initials: EHT (FXH)

Pat/Supp/Reg: 931960

208 x

Description:  
Response due, notice of improper request for RCE  
(mailing date of final OA was 8/3/2005)

1/23/2006 Cleo Cadano 506369

Date: 2/3/2006 Client: Intel Corporation

Docket Initials: 42390.P10675

Docket Supp. Initials: EHT (FXH)

Atty Initials: EHT (FXH)

Pat/Supp/Reg: 931960

1ac3 x

Description:  
Response due, advisory action, 3rd and final extension

1/20/2006 Cleo Cadano 506369

PILOTS  
Intel Corporation  
EHT (FXH)



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

DATE MAILED:

## NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 1/12/05 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☒ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

\* *Deposit account has insufficient funds.*  
A copy of this Notice MUST be returned with the reply.

Direct any questions concerning this notice to

Alana Fort Technology Center 2100  
(571) 222-3580

Form PTO-2051 (Rev. 4/05)

ATTORNEY CONFIDENTIAL

Intel Corporation  
4500 S. Dobson Road, MS: OC2-157  
Chandler, AZ 85248

Intel Legal Team

# Fax

Page 1 of 7

Urgent

Confidential

Date: February 3, 2006

**To:** Examiner: Ashokkumar B. Patel  
USPTO  
**Fax:** (571) 273-3580  
**Art Unit:** 2154

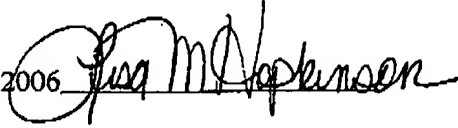
**From:** Frankie Ho  
Intel Corporation  
**Fax:** 480-715-7738  
**M/S:**  
**Subject:** Application No.: 09/931,960 Docket #: 42390P10675  
**Filed:** 8/16/2001 **Inventor:** Duncan M. Kitchin

A CONFIRMATION COPY OF THIS DOCUMENT:  
WILL NOT BE SENT

I hereby certify that the below listed correspondence is being facsimile transmitted to the USPTO to: Mail Stop: RCE, Commissioner for Patents, Washington DC 20231 on February 3, 2006.

Lisa M. Hopkinson

Date: February 3, 2006

**Included in this transmission:**

Fax Cover Sheet (1 page)  
Request for Continued Examination (RCE) Transmittal (1 page submitted in duplicate)  
Response to Notice of Improper Request for Continued Examination (RCE) (2 pages)  
Copy of Notice (2 pages)

**Important Notice**

This information is intended to be for the use of the individual or entity named on this transmittal sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify the sender by telephone immediately so that arrangements can be made for the retrieval of the original document at no cost to you.